

FARMINGTON CITY COUNCIL

Tuesday, January 17, 2012

WORK SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, Jim Talbot, and Jim Young, City Manager Dave Millheim, Finance Director Keith Johnson, Parks & Recreation Director Neil Miller, City Recorder Holly Gadd, City Deputy Recorder DeAnn Carlile, and Recording Secretary Cynthia DeCoursey

Mayor Harbertson began the work session at 6:30 p.m. and welcomed those in attendance. The following items were discussed:

Expansion of Farmington City Cemetery into Mountain View Park

Neil Miller referred to the material included in the staff report, and there was a discussion regarding the different options he proposed. The Mayor asked the Council to determine if the City should remain in the cemetery business and if they have suggestions for an additional site.

Amendment to the Consolidated Fee Schedule – Culinary Water Rates for Commercial Users

Keith Johnson reported on both residential and commercial water usage in the City.

REGULAR SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, Jim Talbot, and Sid Young, City Manager Dave Millheim, Community Development Director David Petersen, City Engineer Paul Hirst, Parks & Recreation Director Neil Miller, City Recorder Holly Gadd, City Deputy Recorder DeAnn Carlile, Youth City Council Member Cameron Farley, and Recording Secretary Cynthia DeCoursey.

CALL TO ORDER:

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

Mayor Harbertson began the meeting at 7:10 p.m., the opening prayer was offered by Jim Talbot, and the Pledge of Allegiance was led by Boy Scout Connor Kirkham from Troop 1698. The Mayor welcomed new Deputy City Recorder DeAnn Carlile and Youth City Council Member Cameron Farley.

Approval of Minutes

Motion:

Jim Young made a motion to approve the minutes of the January 3, 2012 City Council Meeting. The motion was seconded by John Bilton and approved by Council Members Bilton, Michaelson, Ritz, Talbot and Young.

PUBLIC HEARING:

Resolution amending the Consolidated Fee Schedule – Culinary Water Rates for Commercial Users

Keith Johnson reported on the analysis of residential and commercial water usage in the City. The residential usage and revenues were as predicted. The commercial usage was higher than predicted, but the revenues were less than predicted. Lagoon's water usage dropped from 50 million to 21 million gallons, and the commercial usage rate is \$2.12 per 1000 gallons. All commercial rates will now be charged according to the size of the meter.

Public Hearing:

Mayor Harbertson opened the public hearing at 7:15 p.m.

Andre Meacham, Director of Loss Prevention for Lagoon, gave a letter to staff and the Council and said the following issues need to be addressed:

- The last line on page 1 of the Resolution states, "If more than one size of meter is installed, the charge will be on the largest size installed." The intent is to charge Lagoon for the two 8-inch meters, but it could be interpreted that all four meters may be charged at the larger meter rate.
- In the last 18 months, Lagoon has been charged a meter fee for four 8-inch meters, but they have two 8-inch and two 2-inch meters. Also, they have not used water from the south meter for one year but have been charged for it each month.
- In 2009 the fee for the 8-inch meter was set at \$614.25 per month, but Lagoon has never been told where that number came from. The fee structure still appears to be disproportionately high—based on an analysis by CRS, the amount should be \$481.14.

Jim Talbot commented that it was unfair for Lagoon to submit a letter and bring up these issues just prior to the time when the action needs to be taken--this should have been done in a work session where the issues could have been discussed and addressed. He said Lagoon never seems to be happy with the actions of the City. **Mr. Meacham** said it was his impression that the purpose of a public hearing was for the Council to listen to concerns/suggestions from residents.

The public hearing was closed at 7:25 p.m., and the Council determined that they would support a change to the wording on page 1. **Dave Millheim** explained that under the City's existing rules, a company is charged a base meter rate (which is the same regardless of the size of the meter size) and a usage rate (which calculates how much water flows through the meter). This amendment will differentiate between the smallest meter and the largest meter. City Engineer **Paul Hirst** said the base fee was determined by establishing a 5/8-inch meter as the nominal residential meter size which can handle 20 gallons per minute. An 8-inch meter will handle 1600 gallon per minute—80 times the residential meter rate—and all of the fees are factored on that rate. Lagoon had as many as six meters in the past, and the City helped them consolidate by installing master meters. The City added a 10-inch line west of Lagoon and no longer needs the Lagoon line. The **Mayor** commended Lagoon for their significant reduction in water usage and said the extra meters are an insurance policy for Lagoon in the case of fire/emergencies. The City will continue to monitor water rates, usage and revenues.

Motion:

John Bilton made a motion to approve the Resolution amending the consolidated fee schedule relating to culinary water rates for commercial users with an amendment on page 1, Section 1, D1 to read "If more than one size of meter is installed, the largest meter size will be charged the base meter rate." The

motion was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

Jim Talbot asked if Lagoon's concerns were sufficiently addressed, and the City Manager commented that he had not read the letter as it had just been handed out.

PRESENTATION OF PETITIONS AND REQUESTS:

Expansion of Farmington City Cemetery into Mountain View Park

Mayor Harbertson explained that in October 2011, the City adopted several new rules regarding the sale of burial rights: (1) burial rights will only be sold to Farmington City residents; (2) a maximum of two sites will be sold as needed--no advance purchase; (3) only next-in-line sites will be sold; (4) there will be no specific site selection. He said there are 8 side-by-sides and approximately 100 single sites remaining.

Neil Miller said the City Council directed him to move forward with an expansion of the City Cemetery into Mountain View Park and to meet with homeowners in the area to receive input and listen to concerns. The majority of the residents rejected the expansion idea because they had been told that it would always be a park. Several residents recently remodeled their homes and believe a Cemetery expansion will lower their property values. They asked if there were minutes which could show whether or not the area the park property was meant to be a cemetery. City Planner **David Petersen** found City Council minutes dated May 19, 1965 which clearly indicate that "the purchase of this land was for the future expansion of the City Cemetery." The **Mayor** expressed appreciation to the residents who live close to the Cemetery for their willingness to support the City's proposal.

Jim Young believes the City should stay in the cemetery business because it is a great amenity and is part of the history and heritage of Farmington. **Nelsen Michaelson** said the action taken in 1965 to provide a place for Farmington residents to be buried needs to be respected. **Cory Ritz** agreed that the City should continue in the cemetery business.

Motion:

Cory Ritz made a motion to allow City staff to begin expansion of the Farmington City Cemetery into Mountain View Park with the following improvements:

1. Completion of a burial lot survey along with a redesign and installation of the Mountain View Park sprinkling system. This will be followed by moving the fence 100 feet east into the park, at a cost of \$4000, and extending the Cemetery 100 feet to provide approximately 680 additional burial rights. The area west of the parking lot will be given special consideration given to tree preservation.
2. Removal of the fence and completion of a final extension of the Cemetery into Mountain View Park. This will be followed by the construction of a road around and down the middle of the combined three extensions. This phase would provide approximately 1000 additional burial rights and will be implemented only when #1 is complete and has reached eminent capacity.
3. The minutes from the May 19, 1965 City Council Meeting, the Warranty Deed for the purchase of the property, and the expansion maps prepared by **Neil Miller** will be included in the record for future consideration.

The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

Nepotism Rule Modifications

Mayor Harbertson said these new rules will allow for some flexibility with seasonal and part-time employees and enhance the City Manager's veto power of potential problem situations. No immediate family members of full-time employees will be allowed to work in the supervisory chain. **Dave Millheir** pointed out several changes and additional language in letter "d".

Motion:

Nelsen Michaelson made a motion to adopt the Resolution modifying Section 12.030 of the City Personnel Rules and Regulations related to Nepotism. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

SUMMARY ACTION:

1. Ratification of Approvals of Construction & Storm Water Bond Logs
2. Approval of Disbursement List for December 2011
3. Off-Duty Employment Policy regarding Outside Employment for Police Department

Minute Motion Approving Summary Action List

Motion:

Jim Talbot made a motion to approve the items on the Summary Action List. **John Bilton** seconded the motion which was approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

GOVERNING BODY REPORTS:

City Manager Report

- Several items have been added to the February 7, 2012 agenda.
- A Summary of Farmington City Claims from 2006–2011 is included in the staff report.
- In the Council enrollment form there is a clause which states "ineligible for the defined benefit plan" because it is a part-time position with no retirement benefits. However, Council members may purchase retirement benefits with their own funds and should contact him for additional information if desired.
- He asked for direction concerning the enhanced street lights in Park Lane Village. The Council approved an agreement with the Haws Companies at the previous meeting, but there remains the question of who will maintain these fixtures over time. Following a brief discussion, the Council decided that a maintenance agreement may be a better way to handle this issue.

Motion:

John Bilton made a motion to direct staff to prepare a formal maintenance agreement between Farmington City and the Haws Companies (THC) regarding street lights in the Park Lane Commons development and to include the following conditions:

1. The developer shall install poles and fixtures and run/install the necessary underground electrical lines for their operation;
2. The adjacent property owner shall be responsible for ongoing maintenance, upkeep and repair of the poles, fixtures, and electrical lines;
3. The City shall pay for and provide electrical power to operate the fixtures on a perpetual basis;

4. The maintenance agreement shall run with the land;
5. A cure period for damage and/or maintenance shall be determined;
6. The Agreement is subject to the exhibits (or similar lighting) attached to the staff report.

Jim Talbot seconded the motion which was approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

Mayor Harbertson & City Council Reports

- The tentative February 11th date for the City Council retreat needs to be changed—possible dates are February 25th or March 3rd.
- He and **John Bilton** will attend the Town Hall meeting on January 18, 2012.
- He asked for nominations for the Citizen of the Year and suggested **Randy West** who is a member of the Trails Committee and maintains the Flag Rock trail. **Cory Ritz** suggested **Jerry Preston** for his contribution to the Veteran's Memorial. **Dave Millheim** said staff has not received any information from the Elks Club, but he will follow up on the request.
- He attended a good meeting with residents and UDOT concerning the West Davis Corridor.
- He and **David Petersen** met with **Ben Barrus** and another resident concerning a 20-foot easement.

Nelsen Michaelson

- He attended the Planning Commission meeting on Jan. 12 and reported that several residents complained about water issues on their property—they believe the next phase of Chestnut Farms will increase the water problems. Because he lives in west Farmington, he would like to make sure the issue is handled well. **Dave Millheim** is aware of the issues which were reviewed by the DRC earlier in the day. Some of the residents have a mistaken assumption that new development has caused the water issues, and it is possible that some of the residents on 475 South will expect Symphony Homes to fix their water problems.

Jim Talbot

- The fire hydrant in his neighborhood is still missing.
- He asked for an updated drawing of the Lagoon Trail.
- He apologized for jumping in on the Lagoon issue earlier in the meeting, but he felt frustrated that Lagoon does not play by the rules. **Dave Millheim** agreed and said Lagoon received the staff report in plenty of time to prepare a response.
- He asked for an update on the Farmington history that **Glen Leonard** is writing. **John Bilton** said he would find out if any progress has been made. **Dave Millheim** said staff would locate a copy of the contract and send a copy to each Council Member.

John Bilton

- He received a letter from resident **Joel Cook** concerning the new Symphony Homes development in west Farmington.
- **Paul Hess** sent an email concerning the trimming of sycamore trees and reserving spaces along the parade route for Festival Days. **Mr. Millheim** said neighboring cities have parade route regulations, but they are difficult to enforce. The Council asked City staff to include parade rules/information in the June newsletter each year. **Mr. Bilton** asked if the City does regular maintenance on the sycamore trees, and **Mr. Millheim** said he would discuss it with the Public Works Department.

- He attended another UDOT meeting, and he was cornered by residents wanting answers and input. He would appreciate having a document that states the Council's position on the WDC. **Mr. Millheim** said he will copy the original resolution passed by the Council which outlines 5-6 point and additional information which may be helpful.

Cory Ritz

- A resident is concerned about the lack of parking on frontage road during soccer games and asked if parking could be allowed along the red striped section of the road. **Dave Millheim** said the intent of the red striping was for safety, and his advice is to leave it as it is.
- He also advised City staff/Council to pay close attention to drainage, traffic flow, and the looping of utilities in the Chestnut Farms area.
- He asked if the City has completed the storm cleanup and said there is a pile of debris on Park Lane near the entrance to Farmington Greens. **Dave Millheim** said residential cleanup has ended as to City assistance.
- He asked for an update on the trails clean-up efforts, and **Dave Millheim** reported that the trails are open and safe, but cleanup efforts are ongoing.

Jim Young

- He encouraged City staff and Council members to consider high-end senior living options for Farmington City. During his campaign he met many senior citizens who would like to downsize but have no options.
- He asked about the expectations for Emergency Management Institute (EMI) and in-house training, and **Dave Millheim** said the best training he received was at the Emergency Operations Center (EOC) for disaster preparedness. The housing and training is paid for by the federal government, and airfare is reimbursed following participation in the training. Elected officials are encouraged to attend the training, and they must be National Incident Management (NIMS) certified. He asked Council Members to contact him if they are available to attend.
- He asked for a schedule of the Historic Preservation Committee meetings, and **Jim Talbot** said he would obtain a schedule from the Chair.

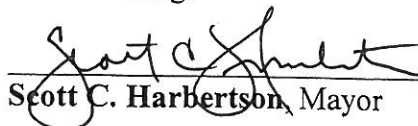
CLOSED SESSION

Motion:

At 9:15 p.m. a motion was made by **John Bilton** for the Council to go into a closed meeting to discuss strategy as it pertains to potential litigation. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

Sworn Statement

I, **Scott C. Harbertson**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.



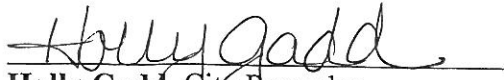
Scott C. Harbertson, Mayor

Motion:

At 9:50 p.m. a motion to reconvene into an open meeting was made by **Jim Talbot**, seconded by **John Bilton**, and approved by Council Members **Michaelson, Ritz** and **Young**.
ADJOURNMENT

Motion:

At 9:50 p.m. a motion to adjourn the meeting was made by **Jim Talbot**, seconded by **Cory Ritz**, and approved by Council Members **Bilton, Michaelson** and **Young**, and the meeting was adjourned.

A handwritten signature in cursive script, reading "Holly Gadd", written over a horizontal line.

Holly Gadd, City Recorder
Farmington City Corporation

